

BOARD OF APPEALS CASE NO. 4957

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BEFORE THE

APPLICANT: Daryl Gardner

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ZONING HEARING EXAMINER

**REQUEST: Variance for an existing
addition within the required 15 foot side
yard setback; 2304 Cheyenne Avenue,
Joppa**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/11/99 & 8/18/99

HEARING DATE: October 6, 1999

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Record: 8/13/99 & 8/20/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Daryl Gardner, appeared before the Hearing Examiner requesting a variance to Section 267-35(B), Table III, of the Harford County Code, to the required 15 foot side yard setback in an RR District.

The subject parcel is located at 2304 Cheyenne Avenue in the Third Election District. The parcel is identified as Parcel No. 758, in Grid 4-E, on Tax Map 55. The parcel contains 1.08 acres, more or less, all of which is zoned Rural Residential.

Mr. Daryl Gardner appeared and testified that he is requesting a variance of 2.5 feet for an existing garage which encroaches into the required side yard setback. The witness said that if the variance is approved, he would maintain a 12.5 foot setback. The Applicant said the subject parcel is unique because of its unusual shape in that the parcel has 92.86 foot width at the front property line and 160.5 foot width at the rear property line. The Applicant said he did not feel the variance would be detrimental to adjoining properties or materially impair the purpose of the Code because none of his neighbors have expressed concern about the request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-35(B), Table III, of the Harford County Code, for an existing garage located within the required 15 foot side yard setback. The Applicant will maintain a 12.5 foot setback if the variance is approved.


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Lots created prior to 1977 in the Rural Residential District must have a 15 foot side yard setback on each side, with a total of 35 feet for both setbacks. The Code further allows the side yard setback to be average when lots have an unusual shape at the dwelling setback. The average side yard setback on the subject property is 12.5 feet and the Applicant is requesting a 2.5 foot variance.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

The variance shall be subject to the condition that the Applicant obtain all necessary permits and inspections for the garage addition.

Date October 29, 1999



L. A. Hinderhofer
Zoning Hearing Examiner